

### **REMARKS/ARGUMENTS**

The final Office Action of July 31, 2008, has been reviewed and these remarks are responsive thereto. By this amendment, claims 1, 2, 4-8, 11, 33, 34, 36-39, 46, 48-50, 52, 53, 55, and 57-59 have been amended, claims 47, 51, 54, and 56 have been canceled without prejudice or disclaimer, and new claims 60-67 have been added. No new matter has been added. Claims 1, 2, 4-11, 33, 34, 36-39, 46, 48-50, 52, 53, 55, and 57-67 remain pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### **Objection to the Specification**

The specification is objected to, based on 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o), as failing to provide proper antecedent basis for the subject matter of claims 58 and 59. More specifically, the Office has objected to the recitation of (one or more) “computer readable media” in claims 58 and 59 as allegedly lacking support in the specification.

Applicants note that the present invention relates to a communication terminal having memory and a programmable processor capable of controlling the terminal to perform methods. See the printed application publication, US 2002/0044149, at paragraphs [0002], [0026], [0027], [0029], and Figure 2. Applicants respectfully submit that the use of computer readable media (e.g., a memory) in the electronic and computer arts is well known.<sup>1</sup> Accordingly, Applicants submit that the specification, when taken as a whole, provides adequate support for the “computer readable media” recited in claims 58 and 59. As such, Applicants respectfully request withdrawal of the objection.

#### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 6-8, 11, 46, 47, 54, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,094,587 (Armanto), in view of U.S. Patent No. 5,479,476 (Finke-Anlauff). Applicants traverse this rejection for at least the following reasons.

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<sup>1</sup> See, e.g., *Hybritech Inc. v. Monoclonal Antibodies*, 802 F.2d 1367, 1384 (Fed. Cir. 1986) (providing that a patent need not teach, and preferably omits, what is well known in the art) (emphasis added).

Amended claim 1 recites, in part, “receiving ... a profile message compris[ing] at least two profile fields that correspond to any of the following: a ringing tone field, a ringing volume field, an incoming call alert field, a message alert tone field, a keypad tone field, a warning tone field, or a graphic field.” With respect to Armanto, Applicants reassert the arguments put forth in the Request For Reconsideration of April 11, 2006, and the Pre-Appeal Brief Request For Review of June 12, 2006. Namely, Armanto does not relate to user profiles, but merely describes transmission of ring tones from one terminal to another. Indeed, the term “user profile” is not even mentioned in the Armanto disclosure. Thus, Armanto does not teach or suggest “receiving ... a profile message,” as recited in claim 1. However, even if Armanto’s ring tone transmission were to be improperly characterized as a “profile message,” it still would not “comprise at least two profile fields...,” as recited, since Armanto’s transmission comprises a single ring tone field only.

Finke-Anlauff discloses profiles on mobile telephones having a plurality of user adjustable operating conditions. See Abstract, FIG. 3. However, Finke-Anlauff never discloses or contemplates receiving user profiles from a remote terminal. Therefore, Finke-Anlauff also fails to teach or suggest receiving a profile message comprising at least two profile fields, as recited in claim 1.

Thus, neither Armanto nor Finke-Anlauff, discloses a “profile message,” or any equivalent concept, and neither reference teaches or suggests receiving a “profile message [comprising] at least two profile fields that correspond to any of the following: a ringing tone field, a ringing volume field, an incoming call alert field, a message alert tone field, a keypad tone field, a warning tone field, or a graphic field,” as recited in claim 1. Furthermore, even assuming, *arguendo*, that it is proper to combine Armanto and Finke-Anlauff, the purported combination still would not teach the other features recited in claim 1. For example, neither reference, alone or in combination, teaches or suggests a system which describes “parsing [a] received profile message to identify a plurality of profile fields corresponding to terminal operating characteristics,” as recited in claim 1. No such parsing or identification of the fields in a received profile message is necessary or even remotely contemplated by either Armanto or Finke-Anlauff.

For at least the reasons stated above, Applicants submit that amended claim 1 is not obvious in view of the purported combination of Armanto and Finke-Anlauff since this

combination, even if proper, does not result in the invention of claim 1. Independent claims 33, 49, and 58 have also been amended to recite, “receiving ... a profile message [comprising] a plurality of profile fields corresponding to a group of terminal operating characteristics, wherein the profile message comprises at least two profile fields that correspond to any of the following: a ringing tone field, a ringing volume field, an incoming call alert field, a message alert tone field, a keypad tone field, a warning tone field, or a graphic field.” Thus, for similar reasons to those discussed regarding claim 1, independent claims 33, 49, and 58 are also not obvious over the purported combination of Armanto and Finke-Anlauff. Dependent claims 1, 2, 6-8, 11, 46, and 59 are not obvious over the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

For example, claims 2, 34, 53, and 59, recite wherein the received plurality of profile fields includes “at least one graphical picture.” The Office Action states on page 5, “Finke-Anlauff discloses lights as a terminal operating characteristic (fig. 3), which reads on a graphical picture.” Applicants disagree that an On/Off light setting for a mobile telephone display teaches or suggests a “graphical picture,” as recited in claim 2. See Finke-Anlauff, FIG. 3. All commonly accepted definitions of the word “picture” would exclude a simple On/Off light setting. Furthermore, within the context of independent claims 1, 33, 49, and 58, it is clear that receiving a graphical picture in a profile message is not equivalent to receiving an indication of a simple On / Off light setting. Thus, claims 2, 34, 53, and 59, are allowable over the combination Armanto and Finke-Anlauff for this additional reason.

Additionally, claim 52 recites “allow[ing] the user to discard one or more of the received plurality of profile fields from the received profile message before configuring the apparatus to operate according to the received plurality of profile fields in the message.” The Office Action alleges that Armanto teaches this feature at Col. 11, lines 15-45. However, the relied upon section only describes allowing a user to accept or reject a ring tone, it does not teach or suggest discarding one or more profile fields before configure the apparatus according to the remaining fields. As discussed above, since Armanto only describes a single field (i.e., the ringing tone), it would be incapable of discarding one or more fields before configuring the apparatus based on the remaining fields. Thus, claim 52 is allowable over the combination Armanto and Finke-Anlauff for this additional reason.

Claim 4 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Armanto, in view of Finke-Anlauff, and further in view of U.S. Patent No. 6,226,367 (Smith). Claims 5, 9, 33, 34, 37-39, 48-53, 56, and 57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto, in view of Finke-Anlauff, and further in view of U.S. Patent No. 7,158,805 (Park). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto, in view of Finke-Anlauff and Park, and further in view of in view of U.S. Pat. Appl. Pub. No 2002/0069220 (Tran). Claim 36 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Armanto, in view of Finke-Anlauff and Park, and further in view of Smith. However, neither Smith, nor Park, nor Tran cures deficiencies of Armanto and Finke-Anlauff discussed above with respect to independent claims 1, 33, 49, and 58. Accordingly, claims 4, 5, 9, 10, 33, 34, 36-39, 48-50, 52, 53, and 57, are also not obvious over the alleged combinations of cited references.

### ***New Claims***

Applicants have added new dependent claims 60-67 to more fully claim the invention. No new matter has been added. Each of claims 60-67 is allowable over the cited art for at least the same reasons as their respective base claims, as well as based on the additional features recited therein. For example, claims 60-62 and 64-66 recite additional features relating to receiving a profile message as one or more SMS messages. Additionally, claims 63 and 67 each recite, “wherein the plurality of profile fields comprises a first field having a first field identifier corresponding to a first data type, and a second field having a second field identifier corresponding to a second different data type.” Since none of the cited references teaches or suggests these additional features, Applicants submit that new claims 60-67 are further allowable over any alleged combination of the cited references.

**CONCLUSION**

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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